



CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

To: Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

From: California Environmental Protection Agency
1001 I Street, 25th Floor
P.O. Box 806
Sacramento, CA 95812-0806

Project Title: Unified Program Single Fee System for State Agencies, R-2005-18
Final Rulemaking

Contact Person and Telephone: Mary Wilson, (916) 323-7367

Project Location: Statewide Regulation

Project Description: These regulations establish a formula for setting the fee to be paid by the regulated businesses in specific counties. These counties are any counties where a state agency is designated as the Certified Unified Program Agency (CUPA). These regulations address the specifics necessary to allow the State to collect fees for serving the unified program agency functions, as allowed by current law, once it is designated as the CUPA.

The Department of Toxic Substances Control (DTSC) has been designated as the state agency CUPA for two counties. They are Imperial and Trinity Counties. The amount of the fee each business must pay is based upon DTSC's necessary and reasonable cost of regulating each specific activity conducted by that business.

These regulations also:

- establish standards for measuring DTSC's costs;
- allow the Secretary of the California Environmental Protection Agency (Secretary) or the designated agency to suspend the business's authorization to conduct the regulated activity for non-payment of the fee;
- establish procedures for revising the fee annually;
- authorize the Secretary or the designated agency to cost recover for non-recurring activities; and
- establish a due process mechanism for disputing the fee assessment.

Name of Public Agency Approving Project: California Environmental Protection Agency

Name of Person or Agency Carrying Out Project: California Environmental Protection Agency

Exempt Status: Title 14, California Code of Regulations, section 15061 (b) (3)
With Certainty, No Possibility of a Significant Effect on the Environment

Public Resources Code, section 21080 (b) (8)
Establishment of Charges by a Public Agency

Reasons Why Project is Exempt:

These regulations establish a process to set fees that will be charged by a state agency when it is designated as the CUPA by the Secretary of the California Environmental Protection Agency. Fees collected by the CUPA will only be used for activities outlined in the exemption, and primarily they will be used to meet operating expenses and the purchasing of equipment, supplies and material.

This project will not result in any potential for an adverse change to the environment because it will not affect the standards applied or quality of regulation or enforcement by the CUPA. It simply establishes a mechanism for ensuring that the costs of conducting this program activity can be collected and recovered.

Lisa Brown, Assistant General Counsel for Enforcement
California Environmental Protection Agency

Date